

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN L. ROMANSKY,	:
	:
Petitioner	: CIVIL NO. 1:CV-00-1520
	:
v.	: (Judge Rambo)
	:
CONNER BLAINE, JR.,	:
	:
Respondent	:

O R D E R

The background of this order is as follows. Steven Romansky, an inmate at the State Correctional Institution-Greene in Waynesburg, Pennsylvania, commenced this action with a petition for writ of habeas corpus pursuant to the provisions of 28 U.S.C. § 2254. Romansky claims (1) that his trial counsel was ineffective for failing to suppress evidence and (2) that the prosecution withheld evidence which may have affected the outcome of his trial (immunity agreement with an inculpatory witness). Thereafter, Respondent filed an answer and memorandum in opposition to the habeas petition, and Petitioner filed a traverse. Respondent also filed four (4) audiotapes (Doc. 17) of alleged admissions by Petitioner, in compliance with this court's order dated August 6, 2001 (Doc. 14).

By order dated August 24, 2001, this court denied relief on the petition, and Romansky filed an appeal to the United States Court of Appeals for the Third Circuit.

The Third Circuit granted a certificate of appealability (Doc. 29), and by order dated January 6, 2005 (Doc. 31), the Third Circuit granted Petitioner's motion for remand, "without prejudice to Petitioner's filing a motion to amend the habeas petition to allow additional claims based upon the audiotape evidence." (Doc. 31 at 2.) The Third Circuit also noted that Petitioner's motion for remand was to "allow augmentation of the record and for an opportunity to make a showing of entitlement to amend his petition for relief pursuant to 28 U.S.C. § 2254." (*Id.* at 2 n.1.)

In accordance with the Third Circuit's order, **IT IS HEREBY ORDERED THAT:**

- 1) Petitioner shall have thirty (30) days from the date of this order to supplement the record.
- 2) Within fifteen (15) days from the date of submission of supplemental materials, Petitioner may file a motion for leave to amend his habeas petition to allow additional claims based upon the audiotape evidence.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: January 14, 2005.